

REMARKS/ARGUMENT

Claims 1-6 are pending. Claim 1 has been amended herein. It is respectfully submitted that the amendments to the claims do not add new matter and have adequate support throughout the Specification. Otherwise, Applicants respectfully traverse all claim rejections for the reasons that follow:

I. EXAMINER'S INTERVIEW

Applicants' attorney and the Examiner conducted a telephone interview regarding the Examiner's comments on pages 3 and 4 of the Final Office Action concerning "intended use" recitations in the claims.

The Examiner indicated that the rejections of record would be overcome if the intended use limitations were rewritten to positively recite structure. Applicants have amended claim 1 herein in accordance with the Examiner's suggestions. Specifically, claim 1 has been amended to recite "a fixed part structured to couple to ~~for accommodating~~ a brake caliper," and "at least one projection . . . [[for]] transmitting to the wheel carrier a torque acting in the fixed part during braking." As written now, claim 1 recites positive structure for coupling the fixed part to the brake caliper and, as such, is no longer an "intended use" limitation. Likewise, by removing the word "for" from the term "for transmitting," the at least one projection now actively transmits a torque (i.e., is inherently structured to transmit a torque) to the wheel carrier and, as such, is no longer a use limitation.

Furthermore, the Examiner asserts that the sleeve 46 of U.S. Patent No. 6,565,159 to Kosak (hereinafter "Kosak") is "certainly capable of transmitting at least a small amount of torque to the fixed part" and, therefore, constitutes the "projection" of claim 1. However, since claim 1 has been amended to remove the use limitations, the "capabilities" of the sleeve 46 are irrelevant -- sleeve 46 of Kosak does not "[transmit] to the wheel carrier a torque acting in the fixed part during braking," as recited in claim 1.

II. REJECTIONS OF CLAIMS 1-6 UNDER 35 U.S.C. § 102(e)

Claims 1-6 were rejected under 35 U.S.C. § 102(e) as anticipated by Kosak. Respectfully, Applicants traverse.

Claim 1 relates to "[a] wheel bearing comprising: a fixed part structured to couple to a brake caliper; a wheel carrier; connecting elements connecting the fixed part to the wheel carrier; and at least one projection integrated with at least one of the fixed part, the wheel carrier and the connecting elements transmitting to the wheel carrier a torque acting in the fixed part during braking."

It is respectfully submitted that Kosak does not disclose "a fixed part structured to couple to a brake caliper," as recited in claim 1. Kosak is directed to the general field of spindle mounts for tires and, as such, is not related in any way whatsoever to braking, brakes, or brake calipers. No figure of Kosak illustrates a brake caliper or any structure structured to couple to a brake caliper. In fact the words "brake" and "caliper" do not even appear in Kosak.

Further regarding claim 1, it is respectfully submitted that Kosak does not disclose "at least one projection integrated with at least one of the fixed part, the wheel carrier and the connecting elements transmitting to the wheel carrier a torque acting in the fixed part during braking." The Examiner disagrees and asserts that sleeve 46 of insert 45 discloses this feature. However, even if Kosak disclosed a brake caliper (which it does not), it would apply braking torques directly to the wheel bearing via the wheel hub 14, bypassing sleeve 46 of insert 45 altogether. Therefore, the sleeve 46 of insert 45 cannot be considered a projection "transmitting to the wheel carrier a torque acting in the fixed part during braking," as recited in claim 1.

For at least the foregoing reasons, it is respectfully submitted that claim 1 is allowable over Kosak. Furthermore, since claims 2-5 ultimately depend from claim 1, it is respectfully submitted that these claims are allowable over Kosak for at least the same reasons. Accordingly, it is kindly requested that the rejections of claims 1-6 under 35 U.S.C. § 102(e) be withdrawn.

III. CONCLUSION

In view of the foregoing, it is respectfully submitted that all pending claims are currently in allowable condition. Accordingly, reconsideration and prompt allowance of all pending claims is therefore earnestly solicited.

EXPRESS MAIL CERTIFICATE

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail to Addressee (mail label #EV343721286US) in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, Alexandria, VA 22313-1450, on January 21, 2005

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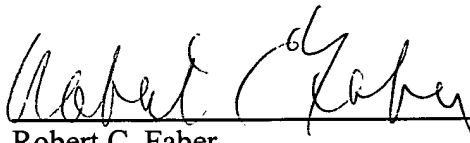

Signature

January 21, 2005

Date of Signature

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Respectfully submitted,



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